

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**ROCHELLE TARLOWE, and SETH JONAS**  
collectively and individually, and on behalf of **ZACHARY**  
**JONAS, a minor,**

Plaintiffs,

-against-

**NEW YORK CITY BOARD OF EDUCATION,**  
d.b.a. **NEW YORK CITY DEPARTMENT OF**  
**EDUCATION, and JOEL KLEIN,**  
in his official capacity as Chancellor of the New  
York City School Districts

Defendants.

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**PLAINTIFFS'**  
**NOTICE OF**  
**MOTION FOR**  
**SUMMARY**  
**JUDGMENT**

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ECF CASE  
Civ. No. 07 Civ. 7936

Assigned Judge: GEL

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**PLEASE TAKE NOTICE** that upon the annexed Plaintiffs' Statement of Facts, dated December 28, 2007, the Declaration of Jesse Cole Foley, dated December 28, 2007, and the exhibits annexed thereto and the accompanying Plaintiffs' Memorandum of Law in Support of Their Motion for Summary Judgment, dated December 28, 2007, the Plaintiffs will move this Court for an order granting summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, on the grounds that Defendants failed to offer Plaintiff's child a Free and Appropriate Public Education; that their unilateral placement of their child at the Forum School was appropriate to meet the student's special education needs; and that equities do support a claim for tuition reimbursement for their unilateral placement of the Student at the Forum School for the 2006 – 2007 academic year.

Dated:           New York, New York  
December 28, 2007

LAW OFFICES OF SKYER, CASTRO, FOLEY & GERSTEN  
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By: \_\_\_\_\_  
JESSE COLE FOLEY

